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Before the
Federal Communications Commission
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Revision of Part 2 of the) ET Docket No. 94-45
Commission's rules relating to the) RM-8125
marketing and authorization of)
radio frequency devices.)

DOCKET FILE COPY ORIGINAL

To: The Commission

Reply Comments of The Ericsson Corporation

The Ericsson Corporation, on behalf of itself and its subsidiaries and affiliates (hereinafter collectively referred to as "Ericsson"), by its attorney, hereby submits its reply comments in the above-captioned *Notice of Proposed Rule Making*.¹

In its comments, E.F. Johnson Company supports the Commission's NPRM in general but opposes the proposed liberalized provisions of Sections 2.803(d) and 2.803(e)(2) and (4) as applied to devices subject to Type Acceptance. E.F. Johnson asserts that liberalized rules for devices subject to Type Acceptance is not warranted due to the fact that the potential exists for the creation of harmful interference to services in which frequencies are carefully coordinated, such as Part 90

¹ *Notice of Proposed Rule Making*, In the Matter of Revision of Part 2 of the Commission's rules relating to the marketing and authorization of radio frequency devices, ET Docket No. 94-45, RM-8125, 9 FCC Rcd 2702 (released June 9, 1994)(hereinafter "NPRM").

services.²

Ericsson agrees that rules which promote harmful electrical interference caused by improper or unlawful operation of RF devices, including those which are subject to the Commission's Type Acceptance regulatory scheme, would be contrary to the public interest. However, Ericsson believes E.F. Johnson's views on this issue are misplaced since the Commission's proposal to liberalize the RF device marketing rules will not serve to increase the potential for harmful electrical interference.

Though it is true that RF devices, including those subject to Type Acceptance, will be able to take advantage of rules which will allow operation prior to receiving an equipment authorization in certain controlled circumstances³, the Commission made it very clear that the proposed rules were not intended to be a substitute for a receiving appropriate and legitimate operating authority for such devices. With respect to this issue the Commission stated, "[s]tation licenses or operating authorities would still have to be obtained for devices that operate under rule sections that require such station licensing."⁴

Thus, while the proposed rules provide the manufacturing community with greater flexibility to demonstrate, market and

² See, *Comments of E.F. Johnson Company*, ET Docket No. 94-45, pp. 2-4.

³ The proposed rules also allow devices to be advertised, displayed, and sold/offered for sale under certain specified conditions.

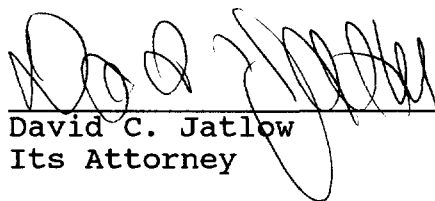
⁴ NPRM at p. 4, n. 9.

operate equipment which has not yet received required equipment authorizations, it is not true that the ability to engage in such operations will result in increased harmful interference.

Indeed, the opposite is true since a license or other appropriate operating authority will have to be applied for and ultimately granted by the Commission before transmission by non-Type Accepted devices in Part 90 services can commence. This serves as the necessary safeguard to ensure that interference does not occur to other radio services.

Respectfully submitted,

The Ericsson Corporation



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CERTIFICATE OF SERVICE

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